

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

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|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| VS. |) | Civ. No. 00-3062-JDT |
| |) | Crim. No. 96-20037-JPM |
| ALVIN GLENN TAYLOR, |) | |
| |) | |
| Defendant. |) | |

ORDER DENYING MOTION FOR STATUS CONFERENCE AND
TRANSFERRING RULE 60(b) MOTION TO THE
SIXTH CIRCUIT PURSUANT TO 28 U.S.C. § 2244(b)(3)

The Movant, Alvin Glenn Taylor, Federal Bureau of Prisons (BOP) registration number 15545-076, an inmate at the Federal Correctional Institution in Forrest City, Arkansas, originally filed a motion pursuant to 28 U.S.C. § 2255 on November 7, 2000. (ECF No. 1.) The motion ultimately was denied (ECF Nos. 10 & 14), and the Sixth Circuit affirmed on appeal. *Taylor v. United States*, 59 F. App'x 58 (6th Cir.), *cert. denied*, 540 U.S. 982 (2003).¹ On October 14, 2015, Taylor filed a motion under Federal Rule of Civil Procedure 60(b) to re-open the § 2255 proceeding. However, because Taylor again raises new claims, including a claim based on the decision in *Johnson v. United States*, 135 S. Ct.

¹ On November 22, 2013, Taylor filed a motion pursuant to Federal Rule of Civil Procedure 60(b), raising a new claim based on the decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013). The Court construed the motion as an attempt to file a second or successive § 2255 motion and transferred it to the Sixth Circuit. The Sixth Circuit denied leave to file a successive § 2255 motion. *In re Taylor*, No. 13-6590 (6th Cir. July 9, 2014).

2551 (2015), he must first obtain permission from the Sixth Circuit under 28 U.S.C. §§ 2255(h) and 2244.

Pursuant to § 2244(b)(3), Taylor's motion is hereby TRANSFERRED to the Sixth Circuit as a second or successive § 2255 motion. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) (per curiam). Taylor's motion for a status conference (ECF No. 29) is DENIED.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE